

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

HILDA L. SOLIS, Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

LOCAL 901, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS

Defendant.

CIVIL ACTION
NO. 09-1329 (ADC)

STIPULATION OF SETTLEMENT

IT IS HEREBY STIPULATED by the parties as follows:

1. Plaintiff Secretary of Labor brought this action under Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (Act of September 14, 1959, 73 Stat. 519 *et seq.*), hereinafter referred to as either "the LMRDA" or "the Act", to set aside the October 3, 2008 election for the offices of president, vice president, and three (3) trustees and requesting a new election for those positions under the supervision of the plaintiff.

2. An investigation by the plaintiff found that the defendant had violated the Act in the following ways:

(i) the Local failed to provide adequate safeguards to insure a fair election when the Local trusted control of the election schedule (polling sites and hours) to the incumbent slate officers;

(ii) the Local failed to provide insurgent candidates with adequate information regarding polling sites and hours;

(iii) the Local failed to adequately safeguard blank ballots and ballot boxes;

(iv) the Local failed to conduct the election at the scheduled times; and

(v) the Local failed to provide Complainants' observer access to a polling site.

The number and nature of these violations undermine the integrity of the entire election.

3. Therefore, the plaintiff Secretary of Labor alleged in her complaint that the defendant conducted its triennial election of officers on October 3, 2008 in a manner that violated the Act and may have affected the outcome of the election for president, vice president, and three (3) trustees.

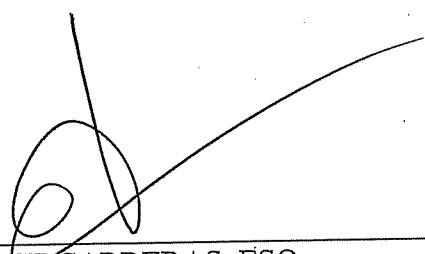
4. The parties in voluntary settlement of this action hereby stipulate and agree that defendant International Brotherhood of Teamsters, Local 901 shall conduct new nominations and a new election for all offices under the supervision of the plaintiff Secretary of Labor, such supervised election to coincide with defendant's next regularly scheduled triennial election, to be completed no later than October 7th, 2011. Such election shall be conducted in accordance with Title IV of the Act (29 U.S.C. §481, *et seq.*), and, insofar as lawful and practicable, in accordance with the Constitution and the By-laws of the defendant Union. The winners of the supervised election shall be installed as soon as practicable after the Department of Labor certifies the tally of ballots and they shall serve the full three (3) year term as specified in defendant's Constitution and By-Laws. By entering into this voluntary settlement, the defendant does not admit that it violated the Act when it conducted the October 3, 2008 triennial election of officers.

5. The parties stipulate and agree that the election shall be conducted by walk-in secret ballot in Puerto Rico on the date or dates scheduled by the Secretary of Labor during the month of October 2011. The Secretary of Labor will endeavor to conduct said walk-in secret ballot election in as many worksites as is lawful and practicable. Any dispute arising during the course of the supervised election as to the legality or practicability of any election procedure shall be decided by the Secretary of Labor in conformity with Title IV of the LMRDA and in conformity with the Constitution and By-Laws of the International Brotherhood of Teamsters, Local 901, so far as lawful and practicable; and such decisions shall be final and binding. In the event that the defendant Union fails to comply with any decision of the Secretary, the Secretary may seek enforcement thereof before this Court. If the defendant Union takes exception to the Secretary's decision, the defendant union shall file an application with the Court for the Secretary's decision to be set aside.

6. The Court shall retain jurisdiction of this action and after completion of the election, plaintiff Secretary shall certify to the Court the names of the persons so elected, that such election was conducted in accordance with Title IV of the Act, and insofar as lawful and practicable, in accordance with the provisions of the Constitution and Bylaws of defendant International Brotherhood of Teamsters, Local 901. Upon approval of such certification, the Court shall enter a judgment declaring that such persons have been elected to the offices of president, vice president, and three (3) trustees

as shown by such certification to serve out the remainder of the three year term of office,
and further providing that each party will bear its own fees and other expenses incurred
by such party in connection with any stage of this proceeding.

FOR THE DEFENDANT:
LOCAL 901, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS



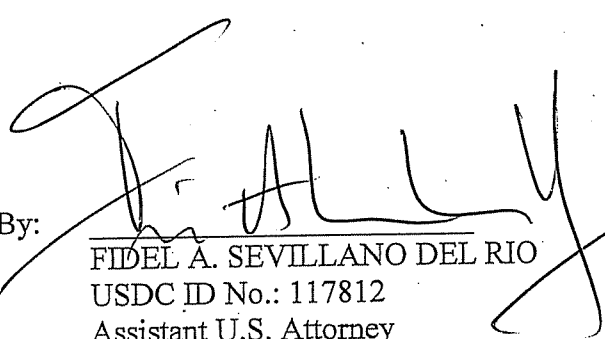
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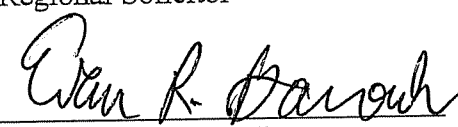
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